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11/15/91



Port of Seattle

November 15, 1991

Mr. Douglas Brown
Hazardous Wastes Permits
Department of Ecology
Mail Stop PV 11
Olympia, Washington 98504

FILE COPY

Dear Mr Brown:

Attached are comments prepared by Kennedy/Jenks Consultants for the Port of Seattle regarding the draft Part B RCRA Permit for the Chempro Pier 91 facility. Please accept these as the Port's comments. We will respond to EPA's Corrective Action Section when it becomes available.

We appreciate the opportunity for early comment on permits of Port tenants. If you have any questions, please call Doug Hotchkiss at 728-3192.

Sincerely,

David A. Aggerholm
Manager, Environmental Management

DAG/jaw/9901V
Attachment

cc: Catherine Buller, Chemical Processors
Carrie Sikorski, EPA Region 10
Nathan Graves, Kennedy/Jenks
Doug Hotchkiss

USEPA RCRA



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14 November 1991

Mr. Doug Hotchkiss
Port of Seattle
P.O. Box 1209
Pier 66
Seattle, Washington 98111

Subject: Comments on Preliminary Draft RCRA Permit
Chemical Processors Pier 91 Facility
Port of Seattle
K/J 916059.00

Dear Mr. Hotchkiss:

In accordance with our agreement for consulting services of 23 September 1991, provided herein are our comments regarding the preliminary draft Resource Conservation and Recovery Act (RCRA) permit for the Chemical Processors Pier 91 facility. The nature and extent of our comments reflect our review of the 30 September 1991 permit provided to us by you and our discussions regarding your needs.

GENERAL COMMENTS

The draft RCRA permit provides standard and general facility conditions by which Chemical Processors can operate a treatment, storage, and disposal facility on property owned by the Port of Seattle (POS). In addition, the draft RCRA permit discusses specific requirements for the tank systems and proposed new facility construction activities. The draft RCRA permit references several plans and other documents prepared as part of Chemical Processors' permit application. While not all of the application documents have been reviewed, we have examined those documents that

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appeared relevant to POS's potential liabilities associated with the site; specifically, those documents relative to facility closure.

One of the primary issues related to the preliminary draft RCRA permit is that the permit appears only to address current and proposed future areas where hazardous waste activities are performed. However, corrective action provisions of the permit (Section VI) have not been included at this time since the U.S. Environmental Protection Agency (EPA) is working with Chemical Processors to develop the scope of these activities.

It is our opinion that the final RCRA permit for the facility should provide for corrective action activities (including investigation and remediation activities, if warranted) in all areas of the site where hazardous waste activities have historically been performed. Chemical Processors has been operating under interim status and, therefore, the areas of the site that were used to manage hazardous waste must be subject to closure and corrective action. Areas of the site that must be specifically addressed through closure activities are as follows:

- The former location of the "Rec" tank that was used for heated treatment of wastes *Coolant tank - dismantled & shipped to 6th. for decontam. phenolic wastewater [2200 ppm] Scrapped March '88 (WTO2) = DW only*
- The pit separator that was utilized for offloading bulk shipments of wastes *Removed & covered 2/90 decontaminated = NO HW*
- The warehouse that was utilized to package wastes in drums that could not be treated at the facility.

In addition, if any oily wastes were accepted in the past that were a component or constituent of a hazardous waste, these oily materials (if released) should be subject to closure activities and corrective action. Specific reference is provided to the PONOCO

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facility that received products only from Chemical Processors and where there are visual indications of releases of petroleum products. In addition, Chemical Processors has handled waste oils for many years and it is conceivable that PCBs (prior to its regulation) were a constituent of waste oils accepted by the facility. In fact, PCBs reportedly have been detected in samples collected onsite, further justifying examination for PCBs throughout and beyond the facility.

All used oil that would otherwise be designated as dangerous or hazardous waste is not subject to RCRA or the Dangerous Waste Regulations only if it is recycled and is not accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment (WAC 173-303-120). Releases of these used oils would constitute a release of dangerous or hazardous waste, triggering the reporting and cleanup requirements of the regulations (WAC 173-303-145).

Closure and corrective action at all areas of the site where operations have historically been performed is consistent with the requirements of the preliminary draft RCRA permit. Any area where solid waste has been intentionally or inadvertently placed (soil contaminated by spills of waste or product would be considered a solid waste) is defined as a solid waste management unit (SWMU) that should be subject to corrective action. The definition of SWMU in the draft RCRA permit is further clarified as areas where hazardous constituents (40 CFR 261, Appendix VIII) have been released. The location of all past dangerous waste management units should be available from a review of past operating records or interviews with past employees. Identification of these areas are required for the operating record under the preliminary draft RCRA permit (Section II.C.2.a.ii.). The interpretation of what constitutes a management unit should be broad and include releases of petroleum products since these products may have contained constituents that would have characterized the material as dangerous or hazardous waste.

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Petroleum releases are a critical issue related to potential threats to the environment and should be more explicitly stated in the RCRA permit. While petroleum is not a hazardous substance under RCRA or dangerous waste regulations, release of petroleum product that likely contained hazardous constituents should be subject to closure and corrective action. In addition, the preliminary draft RCRA permit correctly defines clean closure standards as the lower of background levels or cleanup standards under the Model Toxics Control Act (MTCA) (WAC 173-340). Since petroleum products have cleanup standards under MTCA, we assume that petroleum is of concern to the regulatory agencies and, thus, the management of petroleum releases should be covered by closure and corrective action.

In the preliminary draft RCRA permit under Part II, General Facility Conditions, Sections II.D.1, II.D.7, and II.D.9, the Washington State Department of Ecology (Ecology) is granting approval of submittals if a response from Ecology is not submitted within eight weeks. These plans include background sampling, sampling and analysis at the time of closure, and the location of all soil and concrete samples. While we appreciate Ecology's efforts to provide a timely response/approval to plans and reports submitted by Chemical Processors, this default approval process may compromise sensitive environmental issues and impact POS's future liability in the event of a high work load within Ecology, budget cuts, or an oversight in the review process. Under this scenario, Ecology would have no recourse to modify the plans if they were incomplete.

In Part IV, Facility Compliance Requirements, a similar default approval of a leak detection system is provided by Section IV.A.3. If action were not taken on this matter and the current method of leak detection were allowed to remain in place, POS potentially would be liable for the clean-up expenses related to the interstitial space between the tank bottoms and possible subsequent soil contamination beneath the tanks.

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* The present method of construction of the double-bottom tanks does not adequately detect the presence of liquid in the interstitial space between the tank bottoms. The current configuration would allow up to 160 gallons of material to accumulate prior to detection. Additionally, the current method of leak detection does not prevent the influx of material collected in the secondary containment area from entering the interstitial space nor does it deal with the formation and collection of condensation. We concur with the requirements placed in the preliminary draft RCRA permit that the leak detection system be modified and upgraded.

The closure cost estimate that is included in the draft RCRA permit application assumes that tank, containment pad, or soil removal will not be required. Historically, dangerous waste activities conducted under interim status were conducted without adequate secondary containment. In fact, the facility has a history of improper waste containment and spills, as noted in Ecology's *Potential Hazardous Waste Site Preliminary Assessment* conducted 17 March 1985. Past operating practices allowed trucks to dump oil onto the ground outside the tank farm walls. Much of the site was not paved until recently and the bare ground that originally existed at the site was saturated with wastes. In addition, the facility has provided containment within the bermed tank farm areas only recently. Some of this containment was not installed until early in the 1980s. As several tanks utilized during interim status are being retrofitted for use under the RCRA Part B permit, contamination of the soils beneath the tanks and containment pads would be suspected. This change in corrective action philosophy would greatly impact the cost associated with closure. A detailed review of closure cost estimates should be conducted to verify that sufficient monies are set aside to completely cleanup the entire 4-acre facility that handled dangerous waste under interim status, not just the 0.7 acres identified as part of the RCRA Part B permit application.

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We will be happy to meet with you to discuss these issues and can finalize our comments upon request. Should you have any questions, call us at (206) 874-0555.

Very truly yours,

KENNEDY/JENKS CONSULTANTS



Joel A. Stahlberg
Project Engineer



Nathan A. Graves
Vice President

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